



## The South Carolina Court of Appeals

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March 25, 2015

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Re: Thomas Free v. Natena Buff  
Appellate Case No. 2013-002138

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claine Allen, Deputy*

CLERK

cc: The Honorable G. Thomas Cooper, Jr.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Thomas Free, Appellant,

v.

Natena Buff, Respondent.

Appellate Case No. 2013-002138

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Appeal From Richland County  
G. Thomas Cooper, Jr., Circuit Court Judge

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Unpublished Opinion No. 2015-UP-162  
Heard March 12, 2015 – Filed March 25, 2015

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**AFFIRMED**

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H. Wayne Floyd, of Wayne Floyd Law Firm, and Frank  
Anthony Barton, both of West Columbia, for Appellant.

William H. Bowman, III, and Robert P. Wood, both of  
Rogers Townsend & Thomas, PC, of Columbia, for  
Respondent.

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**PER CURIAM:** Thomas Free appeals the trial court's dismissal of his civil action against Natena Buff based on his failure to make valid service on Buff prior to the expiration of the statute of limitations. We affirm pursuant to Rule 220(b),

SCACR, and the following authorities: S.C. Code Ann. § 15-9-370 (2005) (stating that service on the Director of the Department of Motor Vehicles for a nonresident driver includes certified mail and the proof of service must be filed with the court); S.C. Code Ann. § 15-9-380 (2005) (stating if certified mail is returned, then the notice and summons should be sent by open mail and the affidavit of service should be filed with the court); Rule 5(d), SCRCP (stating that proof of service must be filed with the court within ten days of service and that failure to serve may be cause for dismissal of the action by the court); *Tiralango v. Balfry*, 335 S.C. 359, 361, 517 S.E.2d 430, 431 (1999) (stating statutory tolling provisions are meant to apply when a defendant's name and location are not known).

**AFFIRMED.**

**FEW, C.J., and HUFF and WILLIAMS, JJ., concur.**